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REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

(In compliance with a resolution of the Senate)

A copy of a report made by P. M. Butler, United States agent for the Cherokee Indians.

MARCH 15, 1844.

Read, and referred to the Committee on Indian Affairs.

MARCH 16, 1844.

Ordered to be printed.

WAR DEPARTMENT, *March* 14, 1844.

SIR: In answer to a resolution of the Senate of the United States, of the 28th ultimo, requiring the Secretary of War "to transmit to the Senate a copy of the report made by P. M. Butler, United States agent for the Cherokee tribe of Indians, dated the 30th of September, 1843, and addressed to the Hon. T. Hartley Crawford, Commissioner of Indian Affairs," I respectfully transmit, herewith, a report of Mr. Crawford, together with the copy required by the resolution.

Very respectfully, your obedient servant,

WILLIAM WILKINS,
Secretary of War.

Hon. W. P. MANGUM,
President of the Senate.

WAR DEPARTMENT,
Office Indian Affairs, March 13, 1844.

SIR: I have the honor to report on the resolution of the Senate of the United States of the 28th ultimo, and to enclose, herewith, a copy of the report to this office of P. M. Butler, Esq., Cherokee agent, of the 30th of September. Governor Butler's report, except the short paragraph between brackets on page 3, so much as is between the bracket on page 6 and the bracket on page 8, and the Exhibit marked A, appended to it, was inserted in my annual report of 25th November last, and will be found in

Doc. H. R. No. 2, p. 420 to 424, 1st sess. 28th Cong., being numbered 89 in the appendix.

The part of Mr. Butler's report then omitted, and now furnished on the call of the Senate, did not form a part of the annual report of this office, because it was not deemed to be within the usual limits of an agent's reports, or his general or standing instructions.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. WILLIAM WILKINS,
Secretary of War.

CHEROKEE AGENCY,
Fort Gibson, September 30, 1843.

SIR: In compliance with the regulations of the Department of War, the undersigned submits the following report of the affairs of the Cherokee nation:

For a while, immediately after their removal and settlement beyond the Mississippi, from causes incident to such a state of things, the Cherokees rather diminished than increased in population. They have devoted themselves with more steadiness and industry to the cultivation of the soil, which may be regarded as their national employment, and which affords an easy and abundant subsistence. From this, as well as other causes, their numbers are rapidly increasing. In their houses, farms, and fixtures, they have greatly improved the comforts of life, and show many evidences of a people advanced in civilization. They generally live in double cabins, and have about them the utensils and conveniences of such habitations. Though fond of relaxation and amusement, they are far from being improvident in their habits. This increasing disposition to provide for the future, instead of giving themselves up to the enjoyments of the present, strongly marks a tendency to raise themselves in the scale of intellectual and moral beings. Their national treasure is appropriated and employed, in part, for the maintenance of Government and the support of public education. They give their principal chief $1,000 as an annual salary; and, besides this sum, it is usual to make an appropriation to cover his extra expenses. Their judges receive $5 per day while on duty. Their committee and councilmen $2 50 per day while in session, which is about three weeks; and their sheriff receives about $200 annually. During the session of their council, a public table is kept, at the expense of the nation at large. There are eleven common schools, under the superintendence of the Rev. Stephen Foreman, a native Cherokee, in which are taught reading, writing, arithmetic, book-keeping, English grammar, geography, and history. Nine of the teachers are white men, of whom one is an adopted citizen by marriage; and the other two teachers are native Cherokees. The expenses of these schools are defrayed from the national school fund. There is allowed to each teacher $535, including the purchase of books. Also, $200 for the support of orphan children while attending school; and from five to ten orphans are annually supported and educated at each of these schools. The number educated this year was about five hundred scholars.

[Their public funds consist of State stocks, invested by the Government, to wit:

Kentucky 5 per cent.	- - - - -	$94,000 00
Tennessee 5 per cent.	- - - - -	250,000 00
Alabama 5 per cent.	- - - - -	300,000 00
Maryland 6 per cent.	- - - - -	761 39
Michigan 6 per cent.	- - - - -	64,000 00
School funds, Maryland 5 per cent.		
Do Missouri 5 per cent.	- - -	41,138 00
Do Missouri 5½ per cent.		
Do Mississippi 5½ per. ct.	- - -	10,000 00]

Besides the schools thus noticed, there are several missionary establishments, connected with schools and churches. Of these, "the American board of commissioners for foreign missions among the Cherokees" have four stations—Dwight, Fairfield, Park Hill, and Mount Zion; and also a native preacher, stationed at Honey creek. The Dwight mission, under the superintendence of the Rev. Jacob Hitchcock, has a school of fifty-five girls—forty-five regular boarding scholars; two teachers regularly employed—Mr. and Mrs. Dodge. The Fairfield mission, under the care of Dr. E. Butler, has a school for girls and boys, averaging twenty-five; a Sunday school of thirty members. The church consists of seventy-five members, nearly all Cherokees. At Park Hill, in charge of Rev. Samuel A. Worcester, the whole number of scholars *has* been forty-seven; the average is about twenty; all Cherokees, except five. At Mount Zion, under the care of the Rev. Daniel S. Butrick, there has been a school as high as fifty; the average number about fifteen. The whole number of church members of this mission, who are natives, is one hundred and ninety-one. The Methodist society have employed in the nation twenty-seven preachers, of whom fifteen are local; of the twelve that have been sent by the society to labor as circuit preachers, four are natives. There are fourteen hundred communicants. There are also Sunday schools in many of the societies, in which instruction is given both in the English and native tongue, reported to be in a prosperous and increasing condition. The missionaries of the "United Brethren's" church have under their care about eighty members, (Cherokees,) and two schools—one in charge of the Rev. Mr. Vogler and D. L. Smith, numbering from twenty to thirty scholars; the other in charge of Messrs. G. Bishop and H. Ruede, numbering from ten to fifteen scholars. The Baptist association have seven hundred and fifty communicants; two ordained preachers, Rev. Jesse Bushyhead and Rev. John Wickliffe, both natives; and five licensed preachers, who are also natives—their names are, Lewis Downing, Peter, Tune-no-lee, Potts, and T. Soowotscikee. The Cherokee Baptist mission formed themselves into an auxiliary missionary society to the mother board in Boston, and have two schools, supported by their joint efforts. One is entirely a school for females, and is taught by Miss Hibbard; the other is under the charge of Miss Moss, and is for the instruction of both boys and girls. Both of these are competent teachers and accomplished ladies. The first has thirty-five and the other forty-five pupils. They have a large brick school house, built by the Cherokees; and, altogether, the schools are answering the most sanguine expectations of their friends.

There is one temperance society, consisting of seventeen hundred and

fifty-two members, of which fifteen hundred and sixty are Cherokees. They enter into all engagements with caution, but observe them with good faith; and, in making the pledge to the temperance society, they do so with a full knowledge of its obligation. The following is their pledge: "We hereby solemnly pledge ourselves that we will never use, nor buy, nor sell, nor give, nor receive, as a *drink*, any whiskey, brandy, rum, gin, wine, fermented cider, strong beer, or any kind of intoxicating liquor." The enclosed reports may be referred to, if necessary, for the correctness of the foregoing statement.

The Cherokees have a printing press, which has recently gone into operation; it will, no doubt, have a decided influence on the intelligence and character of the nation, as it will serve to disseminate knowledge and useful information. Publications, both in the native and English tongue, are issued from it. Their own language is written and printed by means of an alphabet, invented by George Guess, a native Cherokee. This remarkable man is destined, by his invention, not only to be identified with the literature of his race, but may be the means, by his love of knowledge and patriotic devotion to the interests of his country, of elevating one of the aboriginal races into historical importance and moral dignity. As a people, the Cherokees generally evince an increasing interest in the importance of education; some of them have a decided taste for general literature, and may be said to have reached respectable attainments in it. A few have full and well-selected libraries. Thousands of them can speak and write the English language with fluency and comparative accuracy; and as many hundreds can draw up, written contracts, deeds, and other instruments for the transfer of property. In the ordinary transactions of life, especially in making bargains, they are shrewd and intelligent, frequently evincing a degree of craft and combination that strike the mind as remarkable. The Christian religion which they profess has had a sensible influence in overcoming their jealousy of the white man, as well as upon their morals generally. Some of their native preachers are eloquent, and distinguished for exemplary piety. In their earnest appeals to the Supreme Ruler of the Universe, there is something of sublimity, which is well calculated to touch the heart of the white man, when they say to him: "Your God is my God, and my God is your God: let us worship him as brethren; for he is the God of the Universe." Some of these preachers might deserve special notice.

It gives the undersigned pleasure to bear testimony to the excellent character of the present superintendent of common schools, the Rev. Stephen Foreman, who is a native Cherokee, and both a teacher and preacher. He may be truly said to be a good and useful man. From hints and expressions which I have seen, coming from official sources, and published in the public prints, there seems to be an impression that the Cherokees are more addicted to the use of ardent spirits than their neighbors; and perhaps, in connexion with this subject, it is proper to notice the following remark, to be found in the annual report of the late worthy and respected Creek agent. After speaking of the orderly habits of the Creeks, and their aversion to spill the blood of the white man, he adds: "Whereas on the opposite side of the Arkansas, among the Cherokees, (who boast of their civilization,) murders and riots are of weekly occurrence." It is not the design of the undersigned to speak invidiously of other tribes, compared with the Cherokees, (on the contrary, all have ex-

cited his interest and sympathy, and it gives him pleasure to bear testimony to the improving character of some of these neighboring tribes,) the object being explanation only. It is known that, on the frontier of the Cherokee nation, there is a military garrison of six companies of United States troops, and not far from the same place reside the Creeks and Seminoles, who cannot well be approached without passing through the Cherokee territory. From these causes, more spirits are sold and consumed in the Cherokee country than among their neighbors, but not so much by themselves as by others. They are, no doubt, tempted to carry on an illicit trade with the soldiers of the garrison, with whom they find a greater ability to buy their spirits, and equal disposition to indulge in the excessive use of them. I will venture the remark, that ten quarts are consumed at the garrison, where one is used among the Cherokees. The causes alluded to exercise a baneful influence on the habits of the Cherokees, by holding out, both to their avarice and love of drink, a strong temptation. So far as respects the other topic alluded to, it comes within the knowledge of the undersigned, that, within the last nine months, four capital executions, under Cherokee laws and authority, have taken place for the murder of white men; and of that number, three were Creeks, and one a Seminole.

There is one source of irritation to the Cherokees which it becomes me to notice, as they have made complaints to me on the subject. They entertain an apprehension that the military officers in the neighborhood are disposed to treat them with arbitrary control, and to interfere with their internal concerns, so as to trespass upon rights secured by treaty and the great principles of the common law. The Cherokees are a treaty-abiding people themselves, and view with abhorrence any wanton violation of national compacts. They are jealous of foreign interference, and resent any attempt to interfere with their own counsels, which they keep with great wisdom, and even vigilant circumspection. To these feelings military men are generally too indifferent. They assume a superiority which is frequently offensive to the pride of the Indian, and treat with levity and aversion what he regards as important, and sacredly associated with his homestead. No doubt the garrison is, in a military point of view, eligibly situated; and it is far from the design of the undersigned to reflect upon the conduct of the officers; but he is bound to say that, so far as it regards the Indians, the garrison does not have a beneficial influence. On the contrary, they would be better off, if the garrison were one hundred miles distant from them.

One of the greatest evils of which the Cherokees have cause to complain, and of which they do complain, is the habit of irresponsible and transient white men intruding themselves upon them. This is a class of people that would be of little value any where, and exercise a mischievous influence on the more unthinking portion of the Indians. On the contrary, useful and laboring mechanics and farmers are of great advantage. There is another class of persons settled among the Cherokees, whose situation deserves to be noticed. As the department is already aware, there are about one thousand or twelve hundred Seminoles and Creeks settled among the Cherokees. They came there without the sanction of the Cherokee authority, and remain by sufferance, and are not likely to become adopted citizens. As aliens, they cannot take a patriotic interest in the prosperity of a country in which they have no recognised caste. It would be better

for all parties if they were removed to their own country, where they would feel some interest in identifying themselves with the fortunes of their own people.

[Many difficulties and embarrassments have grown out of the treaty of 1835, which deserve the attention of the Government of the United States; and the undersigned hopes he will be pardoned for adverting to some of them, and making such suggestions as justice to the people whose interests he in some measure represents, as well as the importance of the matters involved, may require.

There are those among the Cherokees who are called "old settlers;" they occupied their present possessions before the removal of the great body of their brethren from the east of the Mississippi. They now suggest and contend that they invited their brethren from their eastern homes, to partake of their comforts and advantages, with an understanding that, in their turn, they were to be entitled to a distributive share of the purchase money for which their lands were sold to the Government of the United States. That with such an understanding, and by the advice of the United States officers, they formed a union with their eastern brethren; their own identity has been lost in this union, and it is feared that they will derive no pecuniary advantage from any distribution of money among them, arising from the fact that it has been so applied as not to answer any of the objects contemplated by themselves or the great body of the nation. The manner in which the money has been applied and expended under the treaty of 1835 seems to be inconsistent with the main objects of the treaty, as they were understood by the parties to it. In any point of view, these "old settlers" think they will experience great injustice, and they look to the Government to do them justice in relation to the matters arising out of that treaty. They think they have made sacrifices, and have received no equivalent for them.

As this is a matter which may be a source of heartburning and discord, the undersigned calls the attention of the Government to it.

The manner in which the moneys have been applied and expended, under the treaty of 1835, will appear by exhibit A, hereunto appended. The objects contemplated, and the purposes expressed by the treaty, have not, it is thought by the Cherokees, been fulfilled. The nation at large have been deprived of all benefits, under the pretext that a committee, purporting to represent the nation, have reaped all the fruits. The committee had no authority to take from the nation what belonged to it under the treaty; nor had the Government, or those representing it, any right to take money intended for one object, and direct it to another. In this way the end designed will be destroyed by the means employed to effect it. As this treaty has been the fruitful source of angry disputes, and even sanguinary conflicts, it is well to advert to some of its provisions.

The Government of the United States undertook, as expressed in the first clause of the treaty, to pay the Cherokees, for their land alone, $5,000,000, situate on the east side of the Mississippi, subject to a deduction of $500,000, the estimated value of the land lying on the west of that river. This sum was in part to be invested by the order of the Government, and the balance to be distributed for the benefit of the whole nation. That which was intended for a benefit should never be perverted in its application, or suffered to operate so as to defeat the objects of the treaty. Another sum was provided to defray the expenses of moving from the old to the newly

acquired home. Under some circumstances, that sum ($1,647,000) might have been ample. And if contracts had been made entirely in reference to their pecuniary character, it would have been, no doubt, more than sufficient. As mere animals, whose feelings were not to be consulted, the Indians could have been removed for less than $20 a head. Under the actual state of things, the expenses of their removal amounted to a larger sum than that provided by the treaty, or that which seems to have been anticipated by the Government. It must be recollected that these expenses were incurred under contracts of accredited agents on the part of the Government; and if the sums thus expended were to be taken from the *consideration money*, little would be left to comply with the obligations of justice, much less to subserve the ends of an enlightened benevolence. In effect, the Indians would be compelled to exhaust the price of their home and native land in the expenses of a reluctant and painful removal—effected, it is true, by what must be regarded as a voluntary negotiation on their part, but under circumstances, in fact, that strongly appeal both to the justice and generosity of a great nation, that should rather look to the judgment of history than to motives of pecuniary expediency. The contract made by General Scott, under which the expenses of removal were increased to so large an amount, was made in reference to other matters than mere pecuniary advantage to the Government. It was a novel spectacle, and one almost unexampled in history, to see an entire tribe or nation of people emigrating from the home of their fathers, endeared to them by ties and associations mystically connected with their own feelings, and which strangers could not appreciate. In the mode of their emigration, to be effected by a stronger power, these feelings should have been respected. This was done, in some degree, by giving the contract to a committee of their own color and people, at a higher price than it would have been taken by a stranger, who might not have been so acceptable to a people entertaining an hereditary jealousy of the white man.

But if this arrangement is to be paid for by the Indians, and not the Government of the United States, they have bartered their homes for the expenses, toils, and privations of leaving it.

The Government, by its own acts, seems to have regarded the *original consideration money* as not to be touched by expenses incidentally employed as the *means* of executing the treaty; yet the sums expended about the *means* of executing the treaty are likely to defeat the end, and absorb the amount which was the original inducement to it, (see appropriation act, vol. 9, p. 779;) for this will be the consequence, if the different sums form one aggregate amount, from which the expenses are to be taken, before any distribution shall take place. To obviate this consequence, the Government, in sanctioning the acts and contracts of its agents, by which this excessive expenditure has been brought about, will have to make good all the money that has been taken from the main sum of $5,000,000, which was intended for the benefit of the nation at large; for upon no supposition can it be imagined that the large amounts consumed under contracts for removal were to be borne by the Indians themselves, beyond the amount set apart for that purpose. Good faith to the Indians requires it, and the magnanimity of Congress should not oppose it. Had not General Scott entered into the arrangement effected with the committee of the nation, and at the time he did, what would have been the consequences must now be entirely a matter of conjecture. It is not impossible, but even

probable, that the Government would have been involved in protracted difficulties, perhaps painful in the result, and more than likely attended with great pecuniary expenditure. Evils may have been prevented which could not have been remedied without great cost, and probable conflict with more than one Power. To carry out these engagements now, as they were understood by the great body of the Indians at the time they were made, may go far to reconcile a divided people to a treaty, which has, unfortunately, been the source of bitter and sanguinary feuds among them. The treaty may, in a great measure, be relieved from much of the odium which has been cast upon it by a large and respectable party.

It is a matter of history, that it was negotiated not without great opposition of a large portion of the nation. And surely this opposition, and the feelings growing out of it, deserve the serious attention, and should even excite the parental solicitude, of the Government of the United States. The Cherokees, at the time of their removal, were far advanced, and are now rapidly improving, in the arts of civilization. Whilst they would be sensible to the indifference, they are capable of appreciating the generosity and justice of the Government. The late sanguinary conflicts, in which the lives of some valuable men have been lost, may suggest the occasion for the kind offices and the mediatorial interposition of this Government. Such an interposition, prompted by motives of enlightened philanthropy, would come with great authority from the Government, provided the Indians could be satisfied it came from a source disposed to do them justice in relation to the provisions of a treaty that had sowed among them the seeds of civil discord. It has been too frequently the reproach of the white man, that, on the pretext of negotiating for a right, he has overreached and controlled the savage by fraud and force. These instances, too notorious to be overlooked, have not been forgotten, although they have not been perpetuated by the written memorial of the deluded victims affected by them. They have been frequently omitted or palliated by the history of the stronger party. What may be the destiny of the Cherokee nation, cannot well be foretold. It is certain they are increasing in numbers and improving in intelligence. And it may be that they will ultimately attain a position when their history will be written by one of themselves, and its judgments respected by the civilized nations of the earth. Kindness and justice on our part at this juncture may do much, not only to heal their present dissensions, but to accelerate their improvement, secure their friendship, and merit the approbation of the historian. The undersigned entertains the serious belief that indifference to the affairs of the Cherokee nation at this time would be injustice to ourselves. As their agent, he has become acquainted with their character, and feels a deep interest in their concerns and a lively sympathy for their troubles and sufferings.

It is not a time, he would respectfully suggest, for a Government to exact advantages according to the letter of treaties, but rather to conform to the liberal spirit of those who have entered into engagements to execute them.]

In concluding this report, which is long, and which, it may be thought, embraces matter not usual in such papers, the undersigned will advert to one topic of great interest, in a political point of view, to the Cherokee nation. The seventh article of the treaty of 1835 is in these words: "The Cherokee nation having already made great progress in civilization, and deeming it important that every proper and suitable inducement should be offered to their people to improve their condition, as well as to guard and

to secure in the most effectual manner the rights guarantied to them in this treaty, and with a view to illustrate the liberal and enlightened policy of the Government of the United States towards the Indians, in their removal beyond the territorial limits of the States, it is stipulated that they shall be entitled to a delegate in the House of Representatives of the United States, whenever Congress shall make provision for the same." This provision of the treaty is highly acceptable to the Cherokees, and one which may have operated as an incentive to their intellectual exertions and moral and religious improvement. It compliments their pride and intelligence, and is calculated to attach them to the Constitution and laws of the United States. Their own institutions are entirely german to our own. Their Government is founded on republican principles, and modelled after the Constitution of the United States. Justice, under a written code of criminal law, is administered with impartiality and dignity, by upright judges. Their chief justice, Jesse Bushyhead, is a man of piety, decision, and intelligence, and, both as a preacher and magistrate, exerses a salutary influence over the government and morals of the people. Almost in every respect, the Cherokees have lost the habits of barbarous origin, and have fitted themselves for a moral affinity and political association with the civilized race. Whether they occupy such a position now, as should render them eligible to avail themselves of the provision of the treaty above quoted, depends entirely upon the decision of Congress, which depends very much on the judgment arising from the facts which have been stated, and other information already in possession of the department. The opinion of the undersigned, formed from an intimate knowledge of the habits and disposition of the people, is favorable to them. The favorable action of Congress at this time on this provision of the treaty would have a most beneficial effect, and might be the means of accelerating the object so much desired by the Government of the United States—that of rescuing this people from the fate that seems to have awaited most of their unfortunate race. The very attempt to save from oblivion and degeneracy a whole nation of the aboriginal inhabitants of this continent is a noble experiment of the Republic, and one which the undersigned believes is destined to succeed in a way to gratify the wishes of those who take a philosophical interest in the elevation and improvement of the human race.

All of which is respectfully submitted.

P. M. BUTLER, *U. S. Agent.*

Hon. T. HARTLEY CRAWFORD.

Exhibit A, referred to in the report.

Appropriated under the 1st article of the treaty		$5,000,000 00
Deduct for the purchase of eight hundred thousand acres of land west - - -	$500,000 00	
Payment of reservation, valuation, and spoliations - - - - -	2,289,798 54	
		2,789,798 54
		2,210,201 46
Appropriated under the 3d supplementary article of the treaty - - - -	600,000 00	

Add appropriation "for the further object of aiding in the subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the $5,000,000 stipulated to be paid to the said tribe of Indians by said treaty" - - -		$1,047,067 00	
		1,647,067 00	
For the emigration of 16,000 souls, (as supposed,) at $20 per head, under the 8th article of treaty	$320,000 00		
For the subsistence of the same number of souls, under the same article of treaty, at $33 33 per head - - - -	533,333 33		
For the just debts and claims against the Cherokee nation, under the 10th article of treaty - -	60,000 00		
		913,333 33	
		733,733 67	
Add to the balance of appropriation - - - -			$733,333 67
			2,943,935 13
Deduct investments of State stocks for the benefit of the nation, under the 10th article of the treaty - - -			714,880 00
			2,229,055 13

According to this mode of making up the account, the above sum will be left for distribution per capita under the treaty.

TREATY.

Art. 1. The Cherokee nation hereby cede, relinquish, and convey to the United States all the lands owned, claimed, and possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind, for and in consideration of the sum of five million of dollars, to be expended, paid, and invested, in the manner stipulated and agreed upon in the following articles.

Art. 2. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States, in consideration of the sum of five hundred thousand dollars, therefore hereby covenant and agree to convey to the said Indians and their descendants, by patent in fee simple, the following additional tract of land.

Supplementary.

Art. 3. It is therefore agreed, that the sum of six hundred thousand

dollars shall be, and is hereby, allowed to the Cherokee people, to include the expense of their removal and all claims of every nature and description against the Government of the United States not herein otherwise expressly provided for, and to be in lieu of the said reservations and preemptions, and of the sum of three hundred thousand dollars for spoliations described in the first article of the above-mentioned treaty. This sum of six hundred thousand dollars shall be applied and distributed agreeably to the provisions of the said treaty; and any surplus which may remain, after removal and payment of the claims so ascertained, shall be turned over and belong to the education fund.

Act of Congress approved June 2, 1838.

SEC. 2. That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, out of any money in the Treasury not otherwise appropriated, in full for all objects specified in the third article of the supplementary articles of the treaty of 1835, between the United States and the Cherokee Indians, and for the further object of aiding in subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to the said tribe of Indians by said treaty.

ART. 8. The United States also agree and stipulate to remove the Cherokees to their new homes, and to subsist them one year after their removal there, &c. Such persons and families as, in the opinion of the emigrating agent, are capable of subsisting and removing themselves, shall be permitted to do so; and they shall be allowed, in full for all claims for the same, twenty dollars for each member of their family; and, in lieu of the one year's ration, they shall be paid the sum of thirty-three dollars and thirty-three cents, if they prefer it. [Assuming the number to be sixteen thousand souls, the two amounts of $320,000 and $533,333 33 are correctly ascertained—the first for emigration and the last for subsistence—making an aggregate of $753,333 33.*]

ART. 10. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation held by the citizens of the same, and also the just claims of citizens of the United States for services rendered to the nation; and the sum of sixty thousand dollars is appropriated for this purpose; but no claims against individual persons of the nation shall be allowed and paid by the nation.

The President of the United States shall invest in some safe and most productive public stocks of the country, for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi, the following sums, as a permanent fund, for the purposes hereinafter specified, and pay over the nett income of the same, annually, to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same; and their receipt shall be a full discharge for the amount paid to them.

* Note, in the Office of Indian Affairs: "Should be $853,333 33."